IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9993 of 2004

Between:
A.Nageswara Rao, s/o A.Lakshmana Swamy, r/o Plot No.81, RTC Colony, Rajahmundry, East Godavari District.

..... PETITIONER

AND

1 The Chief Engineer (R&B), Roads, Erramanzil, Hyderabad.
2 The Superintending Engineer, R& B Circle, Seetammadhara, Visakhapatnam.
3 The Pay & Accounts Officer, Y.R.C.Wing, Maharanipet, Visakhapatnam-1.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in recovering the seigniorage fee on ordinary earth from the work bill of the petitioner in respect of the Agreement C.R.No.34/2001-2002 entered into with the 2nd respondent, as illegal, arbitrary and without authority of law and consequently direct the respondents not to recover the seigniorage fee on ordinary earth from the bill of the petitioner under the above said agreement

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following:

ORDER:

At the time of hearing, the learned counsel for the petitioner placed a copy of the judgment of a Division

Bench of this Court in W.P.No.2054 of 2004, wherein the Division Bench passed the following order:

> "Following the said view we allow the writ petition directing the respondents not to collect any seigniorage charges from the petitioner for digging ordinary earth in respect of execution of contract work covered under the agreement. No costs. However, we make it clear that if the tax is included in the estimate on the earth work component, it can be deducted as per G.O.Ms.No.23 dated 05.03.1999".

2. In view of the above said order of the Division Bench, this writ petition is disposed of directing the respondents not to collect the seigniorage fee on the ordinary earth, if there is no specific reference in the terms of the agreements entered into between the parties and if the said seigniorage charges are not taken into account while assessing the cost of the work entrusted to the petitioner. No costs.

21st June, 2004

ASSISTANT REGISRAR

//True Copy//

SECTION OFFICER

To

1 The Chief Engineer (R&B), Roads, Erramanzil, Hyderabad.
2 The Superintending Engineer, R& B Circle, Seetammadhara, Visakhapatnam.
3 The Pay & Accounts Officer, Y.R.C.Wing, Maharanipet,

Visakhapatnam-1.

4 Two CCs to Government Pleader for R & B, High Court Buildings, Hyderabad. (OUT)

5. Two CDs.